

REMARKS

In the Office Action, Claims 9, 10, 15, 30, 31, 40, 41, and 46 are pending and stand rejected. In response, Claims 9, 30, and 40 are amended. Claims 10, 31 and 41 have been cancelled. Claims 9, 15, 30, 40, and 46 remain.

Applicants respectfully request reconsideration of pending claims in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. 101

It is asserted in the Office Action that Claims 40-41 and 46 are rejected under 35 USC 101 as not falling within one of the four statutory categories of invention.

In response, Applicant has amended Claim 40 to specify that the transmission step is performed by a transmitter, and the receiving step is performed by a receiver. In this connection, Applicant submits that the “processing” set forth in Claim 40 is tied to another statutory category, i.e., a particular apparatus, namely a transmitter, and a receiver, thereby causing Claim 40 to be statutory. Accordingly, reconsideration and withdrawal of the rejection of Claims 40-41 and 46 under 35 USC 101, is requested.

Claim Rejections Under 35 U.S.C. §103(a)

It is asserted in the Office Action that Claims 9, 15, 30, 40, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,257,148 to Suzuki (“Suzuki”) in view of U.S. Patent 6,345,073 to Curry et al. (“Curry”).

In response, Applicant has amended Claims 9 and 30 to include the limitations of Claims 10 and 31, respectively.

Additionally, Applicant notes that no art rejection has been applied to Claim 41, and Claim 41 is directed to the same limitations set forth in Claims 10 and 31, which the Examiner

indicated is allowable over the prior art. In view of such amendment, Applicant submits that since Claim 40, now includes the limitations of Claim 41, Claim 40, as well as its dependent claim 46 are allowable over the prior art of record.

Accordingly, Applicant submits that the claims pending following entry of this amendment, namely Claims 9, 15, 30, 40, and 46, are now in condition for allowance, which early action is requested.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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2/11/09

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on the date shown below.

Linda Metz

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